

RESTITUTION FUND ACCOUNT

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul A. Neuenschwander

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill authorizes certain prosecutors to create an interest bearing account to hold restitution monies.

Highlighted Provisions:

This bill:

- ▶ authorizes creation of an interest bearing restitution account;
- ▶ provides that interest earned be distributed pro rata to each crime victim; and
- ▶ requires any leftover monies to be transferred to the Division of Finance for deposit into the General Fund.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

77-38a-202, as enacted by Laws of Utah 2001, Chapter 137

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **77-38a-202** is amended to read:

77-38a-202. Restitution determination -- Prosecution duties and responsibilities.



(1) At the time of entry of a conviction or entry of any plea disposition of a felony or class A misdemeanor, the attorney general, county attorney, municipal attorney, or district attorney shall provide to the district court:

- (a) the names of all victims, including third parties, asserting claims for restitution;
- (b) the actual or estimated amount of restitution determined at that time; and
- (c) whether or not the defendant has agreed to pay the restitution specified as part of the plea disposition.

(2) In computing actual or estimated restitution, the attorney general, county attorney, municipal attorney, or district attorney shall:

- (a) use the criteria set forth in Section 77-38a-302 for establishing restitution amounts; and

- (b) in cases involving multiple victims, incorporate into any conviction or plea disposition all claims for restitution arising out of the investigation for which the defendant is charged.

(3) If charges are not to be prosecuted as part of a plea disposition, restitution claims from victims of those crimes shall also be provided to the court.

(4) (a) The attorney general, county attorney, municipal attorney, or district attorney may deposit restitution collected on behalf of private victims into an interest bearing account.

(b) The attorney general, county attorney, municipal attorney, or district attorney shall:

- (i) distribute any interest that accrues in the account pro rata to each crime victim; and
- (ii) after all crime victims have been made whole and the interest has been distributed as required by Subsection (4)(b)(i), transfer any remaining funds to the state Division of Finance for deposit into the General Fund.

Legislative Review Note
as of 2-6-08 4:08 PM

Office of Legislative Research and General Counsel

H.B. 439 - Restitution Fund Account

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
